

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 12-206(2) (DWF)

Plaintiff,

v.

**MEMORANDUM  
OPINION AND ORDER**

Edward McCabe Robinson,

Defendant.

This matter is before the Court on Defendant Edward McCabe Robinson’s *pro se* motion for an emergency order. (Doc. No. 669.) The United States of America (the “Government”) opposes Robinson’s motion. (Doc. No. 671.) Also before the Court is Robinson’s *pro se* motion for an order. (Doc. No. 672.)

In Robinson’s first motion, he asks the Court to issue an order, clarifying his restitution obligation and ordering that any amount taken from him, above the restitution amount, be returned to him. Robinson’s motion “is most correctly framed as a challenge to the execution of his sentence, specifically the restitution order.” *United States v. Davis*, No. 05-cr-567, 2018 WL 8460250, at \*2 (S.D. Iowa Nov. 18, 2018). “[A] petition under 28 U.S.C. § 2241 challenging the execution of a sentence must be filed in the district court where the petitioner is incarcerated.” *United States v. Chacon-Vega*, 262 F. App’x 730, at \*1 (8th Cir. Feb. 6, 2008); *see Matheny v. Morrison*, 307 F.3d 709, 711 (8th Cir. 2002) (“A petitioner may attack the execution of his sentence through § 2241 in the district where he is incarcerated.”). Robinson is incarcerated in Florence, Colorado,

which is located in the District of Colorado. Therefore, Robinson's motion must be brought in the District of Colorado. Because the Court does not have jurisdiction to review Robinson's motion, the Court denies the motion.

In Robinson's second motion, he requests service of the Government's response brief. Because the Government has since served Robinson with the response (Doc. No. 674), the Court denies this motion as moot.

### **ORDER**

Based upon the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Robinson's *pro se* motion for an emergency order (Doc. No. [669]) is respectfully **DENIED**.
2. Defendant Robinson's *pro se* motion for an order (Doc. No. [672]) is **DENIED AS MOOT**.

Dated: August 30, 2023

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge